

# **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: RAJEEV ISAAC WINFRED, M.D.**

## **CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Rajeev Isaac Winfred, M.D., ("Dr. Winfred") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14, *et seq.*

## **FINDINGS OF FACT**

1. Dr. Winfred currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 19812, issued originally in 1999. Dr. Winfred's address of record with the Board is in Morgantown, West Virginia.

2. The Board received a complaint dated March 7, 2003, from Renee Ann Raikes, alleging that on January 25, 2002, Dr. Winfred intentionally, wrongfully and without her consent, inappropriately touched her breast while performing an examination of her with a stethoscope due to Ms. Raikes' complaints of a sore throat.

3. Dr. Winfred responded to the said complaint through his counsel by letter dated May 28, 2003, in which Dr. Winfred admits that he conducted a "gratis examination" of Ms. Raikes, after examining her two sons for whom the appointment was originally scheduled, but he denies committing the act alleged by Ms. Raikes.

4. Dr. Winfred appeared before the Board's Complaint Committee on September 7, 2003, for a full discussion of his actions in this matter and denied the allegations brought against him.

5. In January, 2003, Dr. Winfred was indicted by a Taylor County Grand Jury on one count of "Sexual Abuse in the First Degree" in violation of West Virginia Code § 61-8B-7.

6. In February, 2004, Dr. Winfred was found "Not Guilty" of the charge of "Sexual Abuse in the First Degree" by a Taylor County Jury and the case was dismissed by Court Order with "prejudice".

7. The Board's Complaint Committee conducted an investigation which included interviewing witnesses, review of the police report prepared by the Grafton City Police Department, and review of three polygraph tests, one of which, was conducted by a retired W.V. State Police Officer at the request of Dr. Winfred. In addition, the Complaint Committee reviewed the transcript of the aforementioned criminal proceeding, and the final Order of the Taylor County Circuit Court dismissing the charges brought against Dr. Winfred.

8. Both parties now desire to enter into this Consent Order in order to settle and terminate this matter.

#### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges of disqualification from the practice of medicine pursuant to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to unprofessional and unethical conduct, and 11 CSR 1A 12.2 (d), conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute, including the departure from or failure

to conform to the current principles of medical ethics of the American Medical Association ("AMA").

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Winfred and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that certain restrictions and limitations are placed upon Dr. Winfred's license to practice medicine and surgery in the State of West Virginia.

### CONSENT

Rajeev Isaac Winfred, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. Winfred acknowledges that he is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and West Virginia Code §29A-5-1, *et seq.*;

2. Dr. Winfred acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Winfred waives all rights to such a hearing.

4. Dr. Winfred consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Winfred understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

### **ORDER**

**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Winfred, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Winfred is hereby **PUBLICLY REPRIMANDED**, for unprofessional and unethical conduct involving the inappropriate touching of a patient without her consent.

2. Dr. Winfred shall at all times, for the next five (5) years, have a third-party female in the examination room with him while he is conducting any type of physical examination on a female patient thirteen (13) years of age or older.

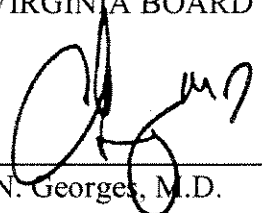
3. Dr. Winfred must take six (6) additional hours of continuing medical education ("CME") in medical ethics, specifically on the subject of patient-physician relationships, and sexual boundaries, approved in advance by the Board, at his own expense, within six (6) months of the date of entry of this Order. These CME hours must be in addition to the fifty (50) CME hours of licensure renewal required by the Board every two (2) year period.


4. Dr. Winfred shall provide to the Board a copy of appropriate documentation confirming his successful completion of the said courses within the said six (6) months.


5. The failure of Dr. Winfred to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for the revocation of his medical license in the State of West Virginia by this Board.

Entered this 9th day of August, 2004.

WEST VIRGINIA BOARD OF MEDICINE

  
\_\_\_\_\_  
Angelo N. Georges, M.D.  
President

  
\_\_\_\_\_  
Catherine Slem, M.D., M.P.H.  
Secretary

  
\_\_\_\_\_  
Rajeev Isaac Winfred, M.D.

Date: 7/28/2004

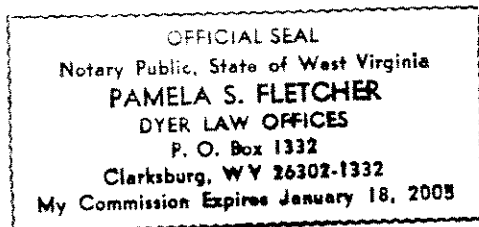
STATE OF West Virginia

COUNTY OF Harrison

I, Pamela S. Fletcher, a Notary Public for said county and state do hereby certify that Rajeev Isaac Winfred, M.D., whose name is signed on the previous page has this day acknowledged the same before me.

Given under my hand this 28<sup>th</sup> day of July, 2004.

My commission expires January 18, 2005.



Pamela S. Fletcher  
Notary Public

Jurtis Arnold, DPM  
h Charleston

. Richard Bowyer  
mont

Doris M. Griffin  
tinsburg

Khalid Hasan, MD  
kley

avid Lynch, Jr., MD  
rgantown



## *State of West Virginia*

West Virginia Board of Medicine

101 Dee Drive, Suite 103

Charleston, WV 25311

Telephone (304) 558-2921

Fax (304) 558-2084

Vettivelu Maheswaran, MD  
Charles Town

Leonard Simmons, DPM  
Fairmont

Lee Elliott Smith, MD  
Princeton

John A. Wade, Jr., MD  
Point Pleasant

Badshah J. Wazir, MD  
South Charleston

June 2, 2005

Rajeev I. Winfred, M.D.  
601 Mariner Village  
Morgantown, WV 26508

Dear Dr. Winfred:

We are in receipt of documentation confirming your completion of the course entitled "Professional Sexual Misconduct: A Primer."

You are now in compliance with requirement No. 3 and No. 4 of the CONSENT ORDER you entered into with the West Virginia Board of Medicine in August, 2004. A copy of this letter will be attached to the CONSENT ORDER and will remain a part of the CONSENT ORDER.

Pursuant to the CONSENT ORDER, your West Virginia medical license remains under the requirement to have a third-party female in the examination room while you are conducting any type of physical examination on a female patient thirteen (13) years of age or older.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald D. Walton".

Ronald D. Walton

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pc: Mary Guy Dyer, Esq.  
Dyer Law Offices  
P. O. Box 1332  
Clarksburg, WV 26302-1332

ESIDENT  
gelo N. Georges, MD  
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Moorefield

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